

## **REMARKS**

Applicant respectfully requests reconsideration of this application. Claims 1, 3-8, 10-15, and 17-21 are pending. No claims have been amended, cancelled, or added. Therefore, claims 1, 3-8, 10-15, and 17-21 are now presented for examination.

### **Claim Rejections – Double Patenting**

The Examiner rejects claims 1, 3-8, 10-15, and 17-21 under the judicially created doctrine of double patenting as being unpatentable over claims 1-37 of U.S. Patent No 6,820,253 of Robison (“Robison”).

Without any concession regarding the substance of the rejection, the Applicant hereby submits a terminal disclaimer under 37 CFR § 1.321, by which the Applicant disclaims the terminal part of any patent issued extending beyond the term of Robison.

It is submitted that the terminal disclaimer fully addresses the rejection, and that the claims are now in condition for allowance.

### **Conclusion**

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

**Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (503) 439-8778 if there remains any issue with allowance of the case.

**Request for an Extension of Time**

The Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

**Charge our Deposit Account**


Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date:

8/26/05



Mark C. Van Ness  
Reg. No. 39,865

12400 Wilshire Boulevard  
7<sup>th</sup> Floor  
Los Angeles, California 90025-1026  
(503) 439-8778